

THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

JAMES KARLOWICZ,

Plaintiff,

v.

AMERICAN STATES
INSURANCE COMPANY,

Defendant.

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3:20-CV-00488
(JUDGE MARIANI)

ORDER


AND NOW, THIS 20th DAY OF OCTOBER, 2020, upon review of Magistrate Judge Carlson's Report and Recommendation ("R&R") (Doc. 23) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 23) is **ADOPTED** for the reasons set forth therein.
2. Defendant's Motion to Dismiss Counts II, III, and IV of Complaint (Doc. 6) is

GRANTED IN PART AND DENIED IN PART as follows:

- a. The Pennsylvania Motor Vehicle Financial Responsibility Law claim in Count II is **CONSOLIDATED** with Count I (breach of contract claim) of Plaintiff's Complaint.
 - b. Defendant's motion to dismiss is **DENIED** in all other respects.
3. Plaintiff's Motion to Remand (Doc. 19) is **DENIED**.
 4. Upon the recommendation of Magistrate Judge Carlson, the parties shall confer and, within **14 days of the date of this Order**, inform the Court whether they wish to

engage in mediation at this time. If the parties so agree, they shall state whether they would like the Court to refer this matter to a Magistrate Judge or other settlement officer for purposes of conducting settlement discussions.¹



Robert D. Mariani
United States District Judge

¹ The Court notes Defendant's letter dated June 19, 2020 (Doc. 17) stating that the parties "do not believe that early mediation would be fruitful at this time, at least until they have had an opportunity to conduct some level of pretrial discovery." However, at that time, Defendant's motion to dismiss remained pending and Plaintiff had expressed his intent to file a motion to remand. Those motions having now been decided, and the parties having had the opportunity to engage in initial pre-trial discovery, the issue of mediation is appropriate for consideration again.